

# EXHIBIT E

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**From:** Rho, Jennifer <JRho@gibsondunn.com>  
**Sent:** Tuesday, January 10, 2023 11:23 PM  
**To:** Abigail Coker; Nicolas Siebert; \*\*\* GDC-AppleAliveCor  
**Cc:** QE-Alivecor  
**Subject:** RE: AliveCor/Apple - Omnibus Discovery Issues  
**Attachments:** 2022.12.27 - AliveCor Search Terms for Myoung Cha - Apple response.xlsx

[EXTERNAL EMAIL from [jrho@gibsondunn.com](mailto:jrho@gibsondunn.com)]

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Counsel,

Apple will be supplementing its response to Interrogatory No. 12. In addition, Apple will be returning revisions to the search terms that AliveCor provided in connection with the January 5 search terms. With respect to the search terms proposed for Myoung Cha, we had some difficulty identifying the changes that AliveCor made to the original terms run, but are attaching here our responses to those search terms and will be running them against his custodial collection.

We are still working to confirm responses to your remaining questions but expect to be able to respond within the week.

Best regards,  
Jennifer

Jennifer J. Rho

GIBSON DUNN

Gibson, Dunn & Crutcher LLP  
333 South Grand Avenue, Los Angeles, CA 90071-3197  
Tel +1 213.229.7103 • Fax +1 213.229.6103  
JRho@gibsondunn.com • www.gibsondunn.com

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**From:** Abigail Coker <abigailcoker@quinnmanuel.com>  
**Sent:** Monday, January 9, 2023 2:12 PM  
**To:** Nicolas Siebert <nicolassiebert@quinnmanuel.com>; \*\*\* GDC-AppleAliveCor <GDC-AppleAliveCor@gibsondunn.com>  
**Cc:** QE-Alivecor <qe-alivecor@quinnmanuel.com>  
**Subject:** RE: AliveCor/Apple - Omnibus Discovery Issues

**[WARNING: External Email]**

Counsel,

We write to follow-up, once again, on a number of outstanding discovery requests. Please see AliveCor's previous email, sent on January 3, for more detail on these items.

**AliveCor's Third ROGs:** Please inform us whether Apple intends to answer ROG 12.

**Search Terms for Myoung Cha:** AliveCor sent search terms to be run on the custodial files of Myoung Cha on December 27. Those terms were a narrower set than those previously applied to other Apple custodians, as Apple requested. Please inform us whether Apple intends to run the narrowed terms on Mr. Cha's custodial files, or whether Apple has revisions to those terms.

**Search Terms for AliveCor's 4<sup>th</sup> Set of RFPs:** In light of AliveCor's 4<sup>th</sup> Set of RFPs, AliveCor sent new search terms to be run on Apple's custodians on January 5. Please inform us whether Apple intends to run those new terms on Apple's custodians, or whether Apple has revisions to those terms.

**Watch/Phone Samples:** AliveCor respected the delay due to the holiday season, but it is now January 9. Please provide a substantive response to our December 22 email as soon as possible. If the parties cannot reach a compromise, we will need to inform Magistrate Judge Kim of the issue.

**Source Code:** AliveCor requested source code responsive to RFPs 6, 7, 8, 18, and 73 on December 13. Please inform us whether Apple will make the requested code available for inspection, and if so, when.

The close of fact discovery is less than two months away. It is imperative that the parties resolve these issues as soon as possible. Accordingly, we request a response on all above items by no later than Wednesday, January 11. We will assume a failure to respond is a refusal.

Thank you,

**Abby Coker**  
she/her  
Associate  
**Quinn Emanuel Urquhart & Sullivan LLP**

1200 Abernathy Road, Suite 1500  
Atlanta, GA 30328  
770-336-8720 Direct  
[abigailcoker@quinnmanuel.com](mailto:abigailcoker@quinnmanuel.com)  
[www.quinnmanuel.com](http://www.quinnmanuel.com)

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**From:** Nicolas Siebert <[nicolassiebert@quinnmanuel.com](mailto:nicolassiebert@quinnmanuel.com)>  
**Sent:** Tuesday, January 3, 2023 1:59 PM  
**To:** \*\*\* GDC-AppleAliveCor <[GDC-AppleAliveCor@gibsondunn.com](mailto:GDC-AppleAliveCor@gibsondunn.com)>  
**Cc:** QE-Alivecor <[qe-alivecor@quinnmanuel.com](mailto:qe-alivecor@quinnmanuel.com)>  
**Subject:** AliveCor/Apple - Omnibus Discovery Issues

Counsel,

We write to follow-up on a number of outstanding discovery requests.

**AliveCor's First RFAs & Third ROGs:** AliveCor served its First RFAs and Third ROGs on Apple on November 7. Apple served R&Os on each on December 7. Apple did not admit or deny any of the RFAs and did not respond substantively to ROG 12. At a meet and confer on December 15, AliveCor responded to Apple's questions regarding those RFAs and ROG 12, and requested that Apple supplement its response. Counsel for Apple informed AliveCor that it would take the issue back to Apple for consideration. Please inform us whether Apple intends to admit or deny any RFA or answer ROG 12.

**Search Terms for Myoung Cha:** AliveCor sent search terms to be run on the custodial files of Myoung Cha on December 27. Those terms were a narrower set than those previously applied to other Apple custodians, as Apple

requested. Please inform us whether Apple intends to run the narrowed terms on Mr. Cha's custodial files, or whether Apple has revisions to those terms.

**Watch/Phone Samples:** The parties have negotiated Watch and Phone samples responsive to AliveCor's Third RFPs since October. We most recently provided information on this request on December 22 and requested a response on December 27. On December 27, counsel for Apple informed us that it would be unable to respond until after Apple returned to business post-holiday season. Please provide a substantive response to our December 22 email. If the parties cannot reach a compromise, we will need to inform Magistrate Judge Kim of the issue.

**Source Code:** AliveCor requested source code responsive to RFPs 6, 7, 8, 18, and 73 on December 13. Recognizing the holidays, AliveCor informed Apple that a mid-January production would be acceptable. Apple responded on December 20, indicating its belief that code relating to the HHRN is not responsive to AliveCor's RFPs and not indicating whether Apple would make the requested code available for inspection. As noted in Bruce Lee's December 21 email, AliveCor's RFPs encompass its request for source code relating to the HHRN and the functions that call upon [REDACTED]

[REDACTED] Please inform us whether Apple will make the requested code available for inspection, and if so, when.

Given that the close of fact discovery is less than two months away, it is imperative that the parties resolve these issues immediately. Accordingly, we request a response on all items above by no later than Friday, January 6.

Thank you,

**Nic Siebert**  
he/him  
*Associate*  
Quinn Emanuel Urquhart & Sullivan, LLP

51 Madison Avenue, 22nd Floor  
New York, NY 10010  
212-849-7326 Direct  
212-849-7000 Main Office Number  
212-849-7100 FAX  
[nicolassiebert@quinnmanuel.com](mailto:nicolassiebert@quinnmanuel.com)  
[www.quinnmanuel.com](http://www.quinnmanuel.com)

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